



## "The City With a Heart"

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Perry Petersen, *Chair*  
Joe Sammut, *Vice Chair*  
Rick Biasotti  
Mary Lou Johnson  
Kevin Chase  
Sujendra Mishra  
Bob Marshall, Jr,

### **MINUTES PLANNING COMMISSION MEETING**

**January 17, 2012**

**7:00 p.m.**

**Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno**

**CALL TO ORDER at 7:02 pm.**

#### **ROLL CALL**

	<u><b>Present</b></u>	<u><b>Absent</b></u>
<b>Chair Petersen</b>	<b>X</b>	
<b>Vice Chair Sammut</b>	<b>X</b>	
<b>Commissioner Biasotti</b>	<b>X</b>	
<b>Commissioner Marshall</b>		<b>X</b>
<b>Commissioner Mishra</b>	<b>X</b>	
<b>Commissioner Chase</b>	<b>X</b>	
<b>Commissioner Johnson</b>	<b>X</b>	

#### **STAFF PRESENT:**

Planning Division:	Community Development Director: Aaron Akin
	City Attorney: Marc Zafferano
	Associate Planner: Laura Russell
	Assistant Planner: Matt Neuebaumer
	Contract Associate Planner: Tony Rozzi
	Recording Secretary: Shauna Williams

Pledge of Allegiance: Commissioner Mishra

#### **1. Approval of Minutes – December 6, 2011**

**Motion to Approve Minutes of December 6, 2011 Planning Commission meeting.**

**Sammut/ Biasotti**

<b>VOTE:</b>	<b>6-0</b>
<b>AYES:</b>	<b>All Commissioners Present.</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

## 2. Communication

E-Packets are available on line at [www.sanbruno.ca.gov](http://www.sanbruno.ca.gov)

Draft Transit Corridor Plan is available on line at [www.planbruno.org](http://www.planbruno.org)

## 3. Public Comment - None

## 4. Announcement of Conflict of Interest - None

## 5. New Business

### **Capital Improvement Budget for Fiscal Year 2011-2012**

**Consider adoption of a Resolution confirming review of the 2011-2016 Five Year Capital Improvement Program and 2011-2012 Capital Improvement Program Budget and its conformance with the San Bruno General Plan.**

*CD Director Akinin:* Entered staff report.

*Chair Petersen* asked Commission if there were any questions for staff.

*Commissioner Biasotti:* The section under the Parks and Recreation heading proposes adding some sustainable, natural features to the creek that runs near City Park. I would like to recommend that the city use some type of catchment system to use as irrigation for the park.

Public Comment opened.

None at this time.

Public Comment closed.

**Motion to Adopt Resolution 2012-01 finding the 2011-2016 Five Year Capital Improvement Program and 2011-2012 Capital Improvement Program Budget is in conformance with the General Plan.**

### **Commissioner Chase/Biasotti**

<b>VOTE:</b>	6-0
<b>AYES:</b>	All Commissioners present.
<b>NOES:</b>	None
<b>ABSTAIN:</b>	None

## 6. Public Hearings

### **A. 3180 Crestmoor Drive**

**Request for a Use Permit to legalize un-permitted construction which increases the gross floor area by greater than 50% (60% cumulatively) and exceeds the 44% lot coverage requirement (50%), per Sections 12.200.030.B.1, and 12.200.040.B.3. of the San Bruno Municipal Code. Maria Rhodes (Applicant) & Jose Aphang-Lam & Vivien Kam (Owners) UP-11-014.**

*Assistant Planner Neuebaumer:* Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-014 based on Findings of Fact (1-7) and Conditions of Approval (1-24).

*Chair Petersen* asked Commission if there were any questions for staff.

*Commissioner Biasotti:* This application is not considered new construction because it has already been built correct?

*Assistant Planner Neuebaumer:* Correct. This is not new construction.

*Chair Petersen:* This project was built without a permit?

*Assistant Planner Neuebaumer:* Yes.

*Chair Petersen:* Has the city implemented any method to ensure that a building permit will be secured?

*Assistant Planner Neuebaumer:* I will let the applicant address that question. It is my understanding that the property owner is not going to occupy the structure until the sunroom is legalized.

*Chair Petersen:* So there is no specific guarantee that the permit will be secured?

*Assistant Planner Neuebaumer:* There is no specific condition of approval.

*CD Director Akin:* So far this property owner has been more than willing to comply with all requirements. Our first goal is to always work with people who want to comply and staff will assist them through the process. If for some reason they were to back track, it would fall into a typical Code Enforcement case where the city would issue notices to comply and eventually issue fines on the property.

*Chair Petersen:* So in essence, you do have a means of enforcing compliance.

*CD Director Akin:* Yes.

*Chair Petersen:* The lot coverage is a little higher than the zoning requirements. I feel that one good reason that this is okay is because the enclosed area is entirely circled by the house. So if it was there or not there the essential lot coverage is the same either way.

*Assistant Planner Neuebaumer:* Yes.

*Chair Petersen:* Can we add that language to the Findings of Fact?

*Assistant Planner Neuebaumer:* Yes.

*Commissioner Mishra:* I would like to clarify the language on condition #23. *Provide hardwired smoke alarms with battery backup to all bedrooms and hallways.* I thought the smoke alarms only had to be hard wired if the application was for new construction?

*Assistant Planner Neuebaumer:* I would have to clarify with the Building Official.

*Chair Petersen:* The battery back up serves a purpose in the event the residence loses electricity.

*Commissioner Mishra:* I agree, however, my concern is that this structure is already constructed and to have them hardwire smoke alarms would impose a larger cost on the applicant.

Public Comment Opened.

*Maria Rhodes; Applicant:* I would like to assure the Commissioners that my client fully intends on complying with all the permit requirements and complete this project. I am his realtor and made a commitment to help him through the process of legalizing his new home.

*Chair Petersen:* That is definitely an extra step for a realtor.

*Commissioner Chase:* Is the applicant aware of and agree with all the conditions of approval for this project?

*Maria Rhodes; Applicant: Yes.*

Public Comment Closed.

**Motion to approve Use Permit 11-014 based on Findings of Fact (1-7) and Conditions of Approval (1-24) with a revision to Finding of Fact #5 addressing lot coverage.**

**Commissioner Johnson/ Chase**

VOTE: 6-0  
AYES: All Commissioners Present.  
NOES: None  
ABSTAIN: None

**Chair Petersen advised of a 10-day appeal period**

**FINDINGS OF FACT**

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
3. The proposed development will be consistent with the general plan.
4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.

The overall design of the home will not change as the addition is located on the north side of the property, which is not visible from the public right-of-way. The addition will utilize stucco finish, which is consistent with the existing single-family dwelling and surrounding neighborhood. Staff finds that the addition will be in keeping with the character of the neighborhood and will not be detrimental to the city. Regarding lot coverage, staff finds that there is still a large amount of open space. Specifically, the subject property has a 20'-6" rear yard with a 128 square foot rear deck, and a 19'-4" front yard. Additionally, the sunroom is surrounded by the existing single-family dwelling on three sides and a result will not have a negative impact on overall lot coverage. Furthermore, the on street parking in the area should not be negatively impacted, as the existing two-car garage will be able to accommodate two vehicles in a side by side fashion.

6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.

7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.

### **CONDITIONS OF APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 11-014 shall not be valid for any purpose. Use Permit 11-014 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on January 17, 2012 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the carport back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, 15% of the site shall be landscaped to the satisfaction of the Community Development Director. Applicant shall submit a landscaping plan at the time of Building Permit Submittal. No more than 80% of the lot shall consist of impervious surface.
10. Prior to Building Permit issuance the application shall reinstate and pass all final inspections associated with Building Permit # B0808-0030.



11. Please note that the front property line is located 5.5 feet behind the sidewalk at Crestmoor Drive. No fences, retaining walls, or other permanent structure shall be placed or constructed within 5.5 feet from back of sidewalk. S.B.M.C. 8.08.010.
12. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
13. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
14. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.
15. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Crestmoor Drive. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
16. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-01
17. Paint address number on face of curb near driveway approach. Black lettering on white background.
18. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
19. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03.
20. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.M.C. 12.161.020
21. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.
22. Address numbers shall be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
23. Provide hardwired smoke alarms with battery backup to all bedrooms and hallways.
24. Provide flame arrester for chimney if not currently in place.

## 7. Discussion

**A. City Staff Discussion:** The City Attorney gave a presentation on the Brown Act and Conflicts of Interest.

*Chair Petersen:* We have to attend an ethics training class every two years and in that training we review the Brown Act. Is your presentation different?

*City Attorney Zafferano:* The reason for my presentation tonight is to provide a short background on some of these topics for all Committees and Boards. I hope for you to obtain a point of reference and understand how I tend to interpret some of these items. It will also allow you to better understand my advice when you ask for it.

Commissioners Johnson, Biasotti, and Mishra volunteered for the February 16, 2012 Architectural Review Committee meeting.

CD Director Akin: After many years, the Pacific Bay Vistas Apartments, formerly Treetops Apartments has finally broken ground for the re-build. It is going to be about a 14-month construction process. They will begin with taking all 13 buildings down to studs, weatherize them and re-roof them. They will then complete about 3 buildings at a time and lease them out and move on to the next 2 or 3 buildings. This will create some residents and income for the apartments. I have already spoken to a few of the residents in the area and they are ecstatic and relieved that the complex is now under construction.

CD Director Akin: Glenview/Crestmoor Update. The Glenview neighborhood continues to rebuild and there are a number of homes nearing completion. We are excited to say that a handful of residents should be occupying their residences within the next month or two.

Commissioner Biasotti: Do we have any Glenview applications coming up in February?

CD Director Akin: Possibly one application.

Chair Petersen: Will the city be taking a close look at the materials being used for the Treetops Apartments.

CD Director Akin: Yes. They inspectors will be inspecting the materials used. The inspectors have been working in San Bruno for ten years now and are very familiar with the weather conditions.

Commissioner Chase: As long as the correct materials are being used this should be an outstanding project.

CD Director Akin: Yes. That is the city's goal to make sure the proper weathering materials are used. We don't want to be in this situation twenty years from now.

Commissioner Biasotti: I am available for any special Architectural Meetings that we may have in February.

Commissioner Mishra: On agenda item #6a on the conditions of approval #12, the reference to the lines diagrams is from the CA Building Code. I think it should be CA Codes of Regulations or the CA Plumbing Code.

**B. Planning Commission Discussion:  
Appoint New Planning Commission Chair and Vice-Chair**

**Motion to appoint Vice Chair Sammut as Planning Commission Chair and  
Commissioner Mishra as Planning Commission Vice Chair for 2012.**

**Commissioner Chase/ Petersen**

*Vice Chair Sammut:* I would like to decline the position of Planning Commission Chair.

**Motion to appoint Commissioner Mishra as Planning Commission Chair and  
Commissioner Biasotti as Planning Commission Vice Chair for 2012.**

**Commissioner Chase/ Petersen**

VOTE: 6-0  
AYES: All Commissioners Present  
NOES: None  
ABSTAIN: None

**7. Adjournment**

Meeting was adjourned at 7:49 pm



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**Aaron Aknin**  
Secretary to the Planning Commission  
City of San Bruno



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**Sujendra Mishra, Chair**  
Planning Commission  
City of San Bruno

**NEXT MEETING: February 21, 2012**